

## REMARKS/ARGUMENTS

Claims 1-13 are pending in the application. The Examiner has rejected claims 1-13. Applicant respectfully requests reconsideration of pending claims 1-13.

The Examiner has objected to claims 6-13 for the following informalities: In claims 6-13, the Examiner has suggested that Applicant delete the phrase "configured to" to make the claims positive. Applicant notes the Examiner has not cited any portion of 35 U.S.C., 37 C.F.R., case law, or the MPEP as justification for the Examiner's objection. Applicant further notes the Examiner has not presented any evidence that would require Applicant "to make the claims positive" or any evidence that the pending claims are or are not already "positive." Accordingly, Applicant submits claims 6-13 are in condition for allowance.

The Examiner has rejected claims 1-13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Angle et al. (US 6,771,596 B1) in view of Hughes et al. (US 6,747,971 B1). Applicant respectfully disagrees.

Regarding claims 1, 6 and 10, Applicant submits the cited portions of the cited reference fail to anticipate or render obvious the subject matter of claims 1, 6, and 10. Moreover, Applicant submits the Examiner has mischaracterized the subject matter of claims 1, 6, and 10. For example, Applicant notes the Examiner appears to mischaracterize the subject matter of claims 1, 6, and 10 as "Making a second request for a second unit of traffic having a second priority lower than the first priority and being destined to the first output port, for scheduling transmission of the first unit of traffic to the switch fabric" and "...using, by the first line card, a first grant received from the switch fabric permitting transmission of the first unit of traffic to the switch fabric." However, Applicant submits none of claims 1, 6, and 10 recite such subject matter. Rather, claim 1 recites, in relevant part, "using, by the first line card, a first grant received from the switch fabric permitting transmission of the first unit of the traffic to the switch fabric and issued in response to a second request made for a second unit of the traffic having a second priority lower than the first priority and being destined to the first output port, for scheduling transmission of the first unit of the traffic to the switch fabric." Claim 6 recites, in relevant part, "the first line card further configured to utilize a first grant of the grants corresponding to a first request of the requests, wherein the first request is of a lower priority than a second request of the requests, for transmitting a first unit of the traffic corresponding to the second request to the switch fabric." Claim

10 recites, in relevant part, "a second means configured to utilize a first grant of the grants corresponding to a first request of the requests, wherein the first request is of a lower priority than a second request of the requests, for transmitting a first unit of the traffic corresponding to the second request to the switch fabric." Applicant submits the Examiner has not alleged the cited portions of the cited reference as purportedly teaching such features. Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness with respect to claims 1, 6, and 10.

Moreover, Applicant submits the cited portions of the cited references teach away from the subject matter of claims 1, 6, and 10. While the Examiner cites column 6, lines 27-40, of the Hughes reference, Applicant notes column 6, lines 30-33, of the Hughes reference state, "The general perspective is that each queued cell is its own entity that must first request (and then be granted) service by the switch fabric 305 before the switch fabric 305 switches the cell." However, the subject matter of claims 1, 6, and 10 does not require that "each queued cell" as "its own entity" "be granted...service by the switch fabric...before the switch fabric...switches the cell." Rather, the subject matter of claims 1, 6, and 10, allow, for example, a grant issued in response to or corresponding to a request for a unit of traffic or for transmitting that unit of traffic to be used or utilized for scheduling transmission of a different unit of traffic. Thus, Applicant submits claims 1, 6, and 10 are in condition for allowance.

Regarding claim 2, Applicant submits the cited portions of the cited references fail to anticipate or render obvious the subject matter of claim 2. While the Examiner cites "(column 5, lines 6-17 wherein the scheduling method comprises a second grant phase in response to a request for second data transfer)" of the Hughes reference as allegedly disclosing the subject matter of claim 2, Applicant respectfully disagrees. Applicant submits the cited portion of the cited reference fails to disclose "using a second grant issued in response to the first request for scheduling transmission of the second unit of the traffic to the switch fabric" subject to "...a first request for transmitting a first unit of the traffic..." and "...a second request made for a second unit of the traffic..." as per claim 1, from which claim 2 depends. Therefore, Applicant submits claim 2 is in condition for allowance.

Regarding claim 3, Applicant submits the cited portions of the cited references fail to anticipate or render obvious the subject matter of claim 3. Applicant has submitted arguments for the allowability of claim 1, from which claim 3 depends. Therefore, Applicant submits claim 3 is also in condition for allowance.

Regarding claim 4, Applicant submits the cited portions of the cited references fail to anticipate or render obvious the subject matter of claim 4. While the Examiner cites "(column 4, lines 21-46 wherein the input control ports of the line card send a first request after a second request)" of the Hughes reference as allegedly disclosing the subject matter of claim 4, Applicant respectfully disagrees. Applicant submits the cited portion of the cited reference fails to disclose "wherein the first line card sends the first request after the second request" subject to "...a first request for transmitting a first unit of the traffic of a first priority..." and "...a second request made for a second unit of the traffic having a second priority lower than the first priority..." as per claim 1, from which claim 4 depends. Therefore, Applicant submits claim 4 is in condition for allowance.

Regarding claim 5, Applicant submits the cited portions of the cited references fail to anticipate or render obvious the subject matter of claim 5. While the Examiner cites "(column 16, lines 4-30 wherein a plurality of requests associated with a plurality of priorities are received and the set of requests with the highest priority class of service level is granted)" of the Angle reference as allegedly disclosing the subject matter of claim 5, Applicant respectfully disagrees. Applicant submits the cited portion of the cited reference fails to disclose "wherein the first line card sends a first set of requests of a highest priority of a plurality of priorities, with the first set of requests corresponding to a first quantity of the traffic in an amount of guaranteed traffic flow serviced by the first line card, and sends a second set of requests of a lower priority of the priorities for a second quantity of the traffic." For example, Applicant sees not teaching of "with the first set of requests corresponding to a first quantity of the traffic in an amount of guaranteed traffic flow serviced by the first line card" or even any mention of "guaranteed traffic flow" in the cited portion of the cited reference. Therefore, Applicant submits claim 5 is in condition for allowance.

Regarding claims 7 and 11, Applicant submits the cited portions of the cited references fail to anticipate or render obvious the subject matter of claims 7 and 11. While the Examiner cites "(column 15, lines 27-38 wherein grants corresponding to specific request are mapped into grant frames for data transmission)," of the Hughes reference as allegedly disclosing the subject matter of claims 7 and 11, Applicant respectfully disagrees. Applicant submits the cited portions of the cited reference fail to disclose "wherein the first line card is further configured to utilize the first grant for transmitting the first unit of the traffic so as to conform to a latency criterion pertaining to a first data stream comprising the first unit of the traffic" and "wherein the second means is further configured to utilize the first grant for transmitting the first unit of the traffic so as to conform to a latency criterion

pertaining to a first data stream comprising the first unit of the traffic." For example, Applicant sees not teaching in the cited portion of the cited reference as to "... so as to conform to a latency criterion pertaining to a first data stream comprising the first unit of the traffic." Therefore, Applicant submits claims 7 and 11 are in condition for allowance.

Regarding claims 8 and 12, Applicant submits the cited portions of the cited references fail to anticipate or render obvious the subject matter of claims 8 and 12. While the Examiner cites "column 15, lines 27-38 wherein grants corresponding to specific request are mapped into grant frames for data transmission," of the Hughes reference as allegedly disclosing the subject matter of claims 8 and 12, Applicant respectfully disagrees. Applicant submits the cited portions of the cited reference fail to disclose "wherein the first line card is further configured to utilize a second grant of the grants corresponding to the second request for transmitting a second unit of traffic corresponding to the first request to the switch fabric" and "wherein the second means is further configured to utilize a second grant of the grants corresponding to the second request for transmitting a second unit of traffic corresponding to the first request to the switch fabric." Therefore, Applicant submits claims 8 and 12 are in condition for allowance.

Regarding claims 9 and 13, Applicant submits the cited portions of the cited references fail to anticipate or render obvious the subject matter of claims 9 and 13. While the Examiner cites "(column 12, line 66 to column 13, line 24 wherein primary requests are processed before secondary requests)," of the Hughes reference as allegedly disclosing the subject matter of claims 9 and 13, Applicant respectfully disagrees. Applicant submits the cited portions of the cited reference fail to disclose "wherein the first line card is further configured to issue the first request prior to the second request" and "wherein the first means is further configured to issue the first request prior to the second request." For example, Applicant submits the Examiner appears to be attempting characterize "primary requests" as allegedly teaching "the first request" and "secondary requests" as allegedly teaching "the second request." However, Applicant notes Hughes et al. state in col. 12, lines 30-37, "A unicast queue (e.g., unicast queue 512a) typically generates, in a round robin fashion, a total number of service requests per clock tick equal to the total number of queued cells and, furthermore, typically generates one primary request (corresponding to the head of line cell) with the remaining requests (corresponding to the non head of line cells) being secondary." Thus, Applicant submits the teachings of the Hughes reference depart from what the Examiner appears to allege. Therefore, Applicant submits claims 9 and 13 are in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

07-12-2007

Date



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